



Express Mail No.: EV 313 841 166 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: DIETMAIER et al. Confirmation No.: 3192
Serial No.: 10/087,082 Art Unit: 1637
Filed: February 28, 2002 Examiner: CHUNDURA, S.
For: Method of Primer-Extension Attorney Docket No.: 1803-330-999
Preamplification PCR

TERMINAL DISCLAIMER

MS - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$110.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order no. 1803-330-999). A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: July 14, 2003


Rahul Pathak

42,983

(Reg. No.)

For: Nikolaos C. George (39,201)
PENNIE & EDMONDS LLP
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Steve A. Oldham represents that he holds the position of Vice President, General Counsel, and Secretary of Roche Diagnostics Corporation, the assignee of the entire right, title and interest in and to the above identified application by virtue of an assignment of the parent to the above-identified application, a copy of which is provided herewith.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent 6,365,375, which issued on April 2, 2002, and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,365,375.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

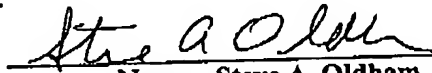
Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,365,375 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of Roche Diagnostics Corporation.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 1st day of July, 2003.
Roche Diagnostics Corporation

By:

A handwritten signature in dark ink, appearing to read "Steve A. Oldham", is written over a horizontal line.

Name: Steve A. Oldham

Position: Vice President, General Counsel, and Secretary